

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SYNQOR, INC. * Civil Docket No.
* 2:07-CV-479
VS. * Marshall, Texas
*
* December 15, 2010
ARTESYN TECHNOLOGIES, ET AL * 1:15 P.M.

TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE JUDGE T. JOHN WARD
UNITED STATES DISTRICT JUDGE

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(Proceedings recorded by mechanical stenography,
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11 * * * *

12 P R O C E E D I N G S

13 LAW CLERK: All rise for the jury.

14 (Jury in.)

15 LAW CLERK: All rise.

16 THE COURT: All right. Please be seated.

17 All right. If my witness will come back,
18 please.

19 Proceed.

20 MR. HATCHER: Thank you, Your Honor.

21 Ladies and Gentlemen of the Jury.

22 Could we have the slide back up that we
23 had right at the time we left?

24 Thank you.

25 STEVEN LEEB, Ph.D., PLAINTIFF'S WITNESS, PREVIOUSLY

1 some-odd years ago. This time the Court laid out 15
2 issues, 15 factors, relating to licensing, economic
3 issues, and financial issues that are useful for
4 assessing a reasonable royalty.

5 Q. Okay. I want to go to a term we're going to
6 use, which, to be quite honest, is uncommon to me. It
7 may be uncommon to some of the folks in the jury. But
8 it's a term called but-for world. But-for world.

9 Can you explain to the jury what the but-for world is
10 that we're going to be discussing at some length?

11 A. Sure. It's an issue that damage analysts such
12 as I often deal with, because we have to envision a
13 world that didn't exist.

14 We can look at the actual world where -- where
15 infringement took place, and the circumstances are very
16 different in that world. But then we also consider the
17 but-for world. But for infringement, what would have
18 happened if the Defendants had honored SynQor's patent
19 rights?

20 And then what would be the consequences for
21 prices in the industry, how SynQor would have developed
22 its products, how SynQor would have been able to take
23 advantage of its patented technology in the marketplace?
24 That but-for world has to be assessed.

25 Q. All right. I'm going to put up a